

UNITED STATES DISTRICT COURT
for the
District of Oregon



United States of America)
v.)
BRANDON EDWARD ANDERSON; and) Case No. 3:21-mj-00168
CARLOS FERNANDO ZELAYA-VALLE,)
)
)
)
)

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 1 to September 1, 2021 in the county of Multnomah in the
District of Oregon, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1)	Possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1)

(Continued on attached Supplement to Complaint Offense Description)

This criminal complaint is based on these facts:

See the attached affidavit of DEA Special Agent Brad Dixon

Continued on the attached sheet.

/s/ Signed by telephone

Complainant's signature

Brad Dixon, DEA Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 8:13 a.m./p.m.

Date: 9/2/2021

City and state: Portland, Oregon



STACIE F. BECKERMAN, U.S. Magistrate Judge

Printed name and title

Stacie F. Beckerman

Judge's signature

United States of America

v.

**BRANDON EDWARD ANDERSON; and
CARLOS FERNANDO ZELAYA-VALLE,**

COUNT 1
(Possession with Intent to Distribute Methamphetamine)
(21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii))

From on or about August 1, 2021 to September 1, 2021 in the District of Oregon, defendants **BRANDON EDWARD ANDERSON**, and **CARLOS FERNANDO ZELAYA-VALLE**, did unlawfully and knowingly possess with intent to distribute 500 grams or more of a mixture or substance containing a detectible amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II controlled substance,

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(viii).

COUNT 2
(Possession with Intent to Distribute Heroin)
(21 U.S.C. §§ 841(a)(1), (b)(1)(A))

From on or about August 1, 2021 to on or about September 1, 2021 in the District of Oregon, defendants **BRANDON EDWARD ANDERSON**, and **CARLOS FERNANDO ZELAYA-VALLE**, did unlawfully and knowingly possess with intent to distribute 1 kilogram or more of a mixture or substance containing a detectible amount of heroin, a Schedule I controlled substance,

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(i).

COUNT 3
(Possession of a Firearm During a Drug Trafficking Crime)
(18 U.S.C. § 924(c)(1)(A))

On or about September 1, 2021 in the District of Oregon, **BRANDON EDWARD ANDERSON** did knowingly carry and use a firearm, to wit: a Taurus revolver, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance as alleged in Counts 1 and 2; in violation of Title 18, United States Code, Section 924(c)(1)(A).

DISTRICT OF OREGON, ss:

AFFIDAVIT OF BRADLEY A. DIXON

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Bradley A. Dixon, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I have been employed as a Special Agent by the Drug Enforcement Administration (DEA) since February of 2017. My current assignment is at the Portland District Office where I am assigned to a DEA Federal Task Force Group. My formal law enforcement training includes successfully completing the 18-week DEA basic training course at the DEA academy in Quantico, Virginia. Since then, I have participated in dozens of drug investigations involving controlled purchase operations, vehicle tracking, cell phone geo-location techniques, cell-site simulators, pen register/trap and trace orders, and Title III wiretaps. I have interviewed and operated informants, executed search warrants, arrested and interviewed subjects, conducted physical surveillance, and utilized electronic and video surveillance. I have also worked with and consulted numerous agents and law enforcement officers who have investigated drug trafficking.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for:

- Brandon Edward Anderson for violations of Title 21, United States Code, Section 841(a)(1), Possession with Intent to Distribute Controlled Substances – including methamphetamine and heroin; and Title 18, United States Code, Section 924(c), Possession of a Firearm in furtherance of a Drug Trafficking Offense.
- Carlos Fernando Zelaya-Valle for violations of Title 21, United States Code, Section 841(a)(1), Possession with Intent to Distribute Controlled Substances – including methamphetamine and heroin.

3. All offenses listed above will hereinafter be referred to as the "Target Offenses."

Applicable Law

4. Title 21, United States Code, Section 841(a)(1) makes it illegal to possess controlled substances – including methamphetamine, heroin – with the intent to distribute them. Title 18, United States Code, Section 924(c) makes it illegal to possess a firearm in furtherance of a drug trafficking offense.

Statement of Probable Cause

Background of the Investigation

5. In October 2020, Investigators began investigating a Drug Trafficking Organization (DTO) suspected of importing methamphetamine, heroin, and counterfeit oxycodone pills suspected to contain fentanyl from Mexico into California, then destined for Distribution in Oregon and Washington. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Thus far in the investigation, 30 people have been federally indicted or charged via complaint pending indictment, 28 people have been arrested and 15 guns have been seized. Investigators have seized over 39.7 gross kilograms of methamphetamine, over 27.7 gross kilograms of heroin, over 5 kilograms of cocaine, over 5.2 gross kilograms of counterfeit oxycodone pills suspected to contain fentanyl, and over \$300,000 of suspected drug proceeds.

6. [REDACTED]

[REDACTED]

7.

[REDACTED] The investigation has also identified several drug runners/couriers and drug stash-house operators, including Carlos Fernando Zelaya-Valle (“Zelaya”).

8. Based on the investigation to-date, Investigators have identified how the DTO operates. Specifically, drug customers and sub-distributors (including Anderson [REDACTED] place drug orders through Padrino or Angel, and Padrino or Angel then dispatch drug runners (including Zelaya) to deliver the drugs.

9.

[REDACTED] b6
[REDACTED] b7C n.

10.

11.

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. [REDACTED]

16. [REDACTED]

Investigators Identify Zelaya as a DTO Drug Runner and Stash Operator

17.

[REDACTED]

[REDACTED].

18.

[REDACTED]

19.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20.

21.

22.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25. [REDACTED]

[REDACTED]

[REDACTED]

Arrest of Anderson

26. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

27. [REDACTED]

[REDACTED]

[REDACTED]

28. Investigators then deployed to the Evergreen Inn and Suites. While there, Investigators spoke to a manager of the Evergreen Inn and Suites, identified themselves as law enforcement, and asked about Anderson. The manager indicated Anderson had been renting Room 212 since August 21, 2021 and had just paid cash for the room minutes prior to Investigators' arrival. Investigators then approached Room 212 while wearing police gear labeled "Police."

29. Investigators knocked lightly on the door and did not have any weapons drawn. Anderson opened the door and Investigators asked him to step out of the room. Anderson put his hands in the air, walked out, and leaned against the wall as if to have his person searched and as if he expected to be arrested. Investigators patted Anderson down for weapons and did not locate any, and Anderson was placed in handcuffs. One other male was in the room, and he was also handcuffed, patted down and searched for weapons. Once both were in handcuffs, I asked

Anderson if there were any other people in Room 212, and he said no. Investigators conducted a very brief safety sweep of the room to look for people who might be a danger to Investigators and other occupants of the hotel room. Investigators did not locate any people and immediately exited the room and maintained security of the room from the exterior hallway.

30. I then interviewed Anderson with another Investigator. I provided Anderson with his rights per Miranda and asked Anderson if he understood his rights. Anderson said yes he understood. I told Anderson he did not have to speak to or help Investigators and Anderson acknowledged. I told Anderson he was not being coerced and repeated he did not have to cooperate, and Anderson acknowledged [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

31. I asked Anderson if there were any weapons inside Room 212. Anderson said yes, that there was a .38 caliber revolver on his bed. I asked Anderson if it was his firearm, and he said no, that it “came from” his girlfriend. I asked Anderson if he knew his was a convicted felon, and Anderson said yes. I asked Anderson if his girlfriend knew he was a convicted felon, and he said yes. I asked Anderson if he knew he could not have guns, and he said yes. I asked Anderson if he had the gun for his protection and the protection of his drugs, and he said yes and added that he didn’t want to get shot or robbed. I asked Anderson if his girlfriend knew he was involved in large-scale drug distribution, and Anderson said she was “smart,” that they didn’t

talk about it, and suggested she didn't want to know. Anderson later said he "took" the gun from the residence where he lives with his girlfriend.

32. I asked Anderson if there were drugs in Room 212, and Anderson said yes, and said there was heroin, methamphetamine, and fentanyl pills that he received earlier that day from his supplier and the runner who delivered the drugs was driving the Honda Accord. I showed Anderson a picture of Zelaya, and Anderson identified Zelaya as the runner who has delivered drugs to him. I asked Anderson what his phone number was, and he provided the phone number for Anderson's Phone that has been intercepted during the investigation. I asked Anderson if Investigators could search Room 212 and his cellphone, and Anderson said yes.

33. Investigators then searched Room 212 and found and seized approximately 400 gross grams (gross grams = with packaging) of heroin, 185 grams of methamphetamine, 152 gross grams of counterfeit oxycodone pills, and a loaded revolver³ with six rounds of ammunition. All the drugs and the gun were found on Anderson's bed. I told Anderson he was being arrested for drug-related charges.

Arrest of Zelaya

34. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

35. [REDACTED]

[REDACTED]

³ The revolver is manufactured by Tauras Int'l Mfg based in Bainbridge, Georgia and is labeled with serial number ACE932032. The firearm is also stamped "Taurus Armas Made in Brazil."

[REDACTED]

[REDACTED]

[REDACTED]

36. [REDACTED]

[REDACTED]. Around this time, Investigators observed Zelaya's Honda Accord arrive in the parking lot of the Evergreen Inn and Suites. Investigators conducted a vehicle stop of the Honda Accord by initiating overhead police lights on their respective unmarked police vehicles. Investigators commanded Zelaya to exit the vehicle. Zelaya complied and was placed in handcuffs.

37. Investigators provided Zelaya with his rights per Miranda, and Zelaya said he understood his rights. Investigators requested consent to search Zelaya's Honda Accord, and he consented. Investigators then searched the vehicle pursuant to the mobile vehicle exception and Zelaya's consent.

38. A Portland Police Bureau narcotics detection canine then conducted a sniff of the exterior and interior of the Honda Accord and alerted to the odor of narcotics near a box in the back seat and to the center console that contained U.S. Currency. Investigators then conducted a hand search of the vehicle and located approximately 1,876 gross grams of methamphetamine, 540 gross grams of heroin, 219 gross grams of counterfeit oxycodone pills, and an undetermined amount of suspected drug proceeds. Investigators then informed Zelaya he was under arrest for drug-related violations.

39. Both Zelaya and Anderson were transported to the DEA Portland District Office for booking and processing, and then transported to the Multnomah County Detention Center

(MCDC) for lodging. Anderson's criminal record indicates he has multiple felony convictions for burglary in 2005, for robbery in 2005, for possession of heroin in 2013, burglary and theft in 2014, and unlawful delivery of heroin in 2020. Zalaya's criminal record indicates an arrest and removal for immigration violations in 2019.

Conclusion

40. Based on the foregoing, I believe Zalaya has violated Title 21, United States Code, Section 841(a)(1), Possession with Intent to Distribute Controlled Substances – including methamphetamine and heroin. Based on the foregoing, I believe Anderson has violated Title 21, United States Code, Section 841(a)(1), Possession with Intent to Distribute Controlled Substances – including methamphetamine and heroin; and Title 18, United States Code, Section 924(c), Possession of a Firearm in furtherance of a Drug Trafficking Offense; I therefore request the Court issue federal complaints and arrest warrants for Anderson and Zalaya for these violations.

41. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Paul Maloney, and AUSA Maloney advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

42. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized

is relevant to an ongoing investigation, and any disclosure of the information at this time is likely to seriously jeopardize the ongoing investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ Sworn to by telephone
In accordance with Fed. R. Crim. P. 4.1
Bradley A. Dixon
DEA Special Agent

Sworn to by telephone at 8:13 a.m./p.m. this 2nd day of September 2021 in accordance with Fed. R. Crim. P. 4.1.


HONORABLE STACIE F. BECKERMAN
United States Magistrate Judge